



## ADMINISTRATIVE POLICY

### STATE OF HAWAII DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS WORKERS' COMPENSATION HEARINGS STANDARDS

**TITLE: WORKERS' COMPENSATION  
STANDBY HEARINGS**

**NUMBER: AI 2005-5**

**HRS CHAPTERS: 386**

**REPLACES:**

**HAR:**

**ISSUED: 2/24/05**

**DIVISION(S)/AGENCY(S): DISABILITY COMPENSATION**

**APPROVED BY:**   
**NELSON B. BEFITEL**

#### ADMINISTRATIVE INITIATIVE DISCLAIMER

This Administrative Initiative is designed to provide general information in regard to current initiatives, opinions, policies, and/or guidelines of the Hawaii Department of Labor and Industrial Relations. It is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable in all situations. This Administrative Initiative does not replace applicable Hawaii Revised Statutes or Hawaii Administrative Rules. If additional clarification is required, the applicable division or agency administrator should be consulted.

#### A. General Information

One of the major problems with Hawaii's workers' compensation system is the length of time it takes for injured workers to receive medical treatment and necessary vocational rehabilitation services to enable them to promptly return to meaningful employment. Last year, an independent organization gave Hawaii's system an "F" grade, primarily because 22.6 percent of workers stayed off the job for more than 30 days in 2002 – much longer than in other states. This is primarily the result of the workers' compensation system moving at a sluggish pace in resolving disputes and the increased litigation over how an injured worker should receive treatment.

Example: For "compensability" disputes on Oahu it takes an average of 192 days to process a hearing request and place it on the hearings calendar. If no continuance is asked for or granted, the case is heard six weeks (42 days) later and the average decision is issued in 47 days. This means that for disputes regarding "compensability" on Oahu, the injured employee and employer must wait 281 days, or eight to nine months for a decision to be rendered.

The Department of Labor and Industrial Relations (DLIR) is committed to ensuring that injured workers receive their workers' compensation benefits and/or medical treatment in a timely manner. In line with this concept, the DLIR's Disability Compensation Division (DCD) will be initiating a one (1) year pilot program to schedule Standby Hearings in Honolulu, beginning February 2005. Approximately one-third (1/3) of scheduled hearings are cancelled or postponed, usually because a successful settlement or agreement by the employer and the injured worker is reached. Since these

settlements or agreements usually are resolved once the scheduled date of hearing is within a few weeks or days, this time slot could be used to hear another claim. By scheduling Standby Hearings, we hope to fully utilize these valuable hearing time slots.

## **B. Purpose**

The Purpose of this Administrative Initiative is to expedite the hearings process and resolve disputes within the workers' compensation system in a more timely and efficient manner.

## **C. Standby Hearings Procedures**

1. Notices for these Standby Hearings will be sent to all parties at least two (2) weeks prior to the scheduled hearing date.
2. Upon receiving the Notice of Standby Hearing, any party who is unable to attend the hearing on the scheduled date should request a postponement in writing within five (5) working days of the issue date of the Notice of Standby Hearing to:

Department of Labor and Industrial Relations  
Disability Compensation Division  
830 Punchbowl Street, Room 209  
Honolulu Hawaii 96813  
ATTN: Hearings Branch Receptionist

3. The Standby Hearing will be placed on the hearings calendar whenever there is a cancellation or postponement.
4. If there is no cancellation or postponement, the Standby Hearing may still be held on the scheduled date, if time is available.
5. Since the Standby Hearing Notice will only indicate the date and a general time period (i.e.; 8:30 a.m. – 12:00 p.m. or 12:00 p.m. – 4:00 p.m.), the parties should call the Hearings Branch at 586-9164 no sooner than three (3) working days prior to the scheduled hearing date to obtain a specific time for the Standby Hearing. If a specific time is not available, the parties will be informed that the Standby Hearing will be rescheduled.

The implementation of the Administrative Initiative will improve the efficiency of the hearings process, which will result in more cases being resolved in a timelier manner.

This Administrative Initiative is designed to provide general information in regards to current initiatives, opinions, policies, and/or guidelines of the DLIR. This Administrative Initiative does not replace applicable Hawaii Revised Statutes or Hawaii Administrative Rules. If additional clarification is required, the applicable division or agency administrator should be consulted.